

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION SIX**

STATE COLLEGE FORD LINCOLN MERCURY,
INC.¹

Employer

and

Case 6-RC-12215

DISTRICT LODGE 98, INTERNATIONAL
ASSOCIATION OF MACHINISTS AND
AEROSPACE WORKERS, AFL-CIO

Petitioner

REGIONAL DIRECTOR'S DECISION AND DIRECTION OF ELECTION

The Employer, State College Ford Lincoln Mercury, Inc., operates an automobile dealership engaged in the sales and service of new and used automobiles in State College, Pennsylvania. The Petitioner, District Lodge 98, International Association of Machinists and Aerospace Workers, AFL-CIO, filed a petition with the National Labor Relations Board under Section 9(c) of the National Labor Relations Act seeking to represent a unit of automotive technicians.² A hearing officer of the Board held a hearing and the parties filed timely briefs with me.

As evidenced at the hearing and in the briefs, the parties disagree on the following issue: Whether a unit comprised of only service technicians is appropriate, or whether the smallest appropriate unit must also include two service advisors, one service advisor/quality control/warranty claims employee, three parts clerks, five utility employees, two service cashiers, and one maintenance employee/lot attendant/shuttle driver.

¹ The name of the Employer appears as corrected and stipulated to by the parties at the hearing.

² The automotive technicians are also referred to as service technicians.

The Employer contends that the smallest appropriate unit must include, in addition to the service technicians, the service advisors, service cashiers, utility employees, service advisor/quality control/ warranty claims employee, parts clerks and maintenance employee/lot attendant/shuttle driver, while the Petitioner contends that the service technicians alone constitute an appropriate unit. The unit sought by the Petitioner has approximately 10 employees, while the unit the Employer seeks would include approximately 24 employees.

I have considered the evidence and the arguments presented by the parties on this issue. As discussed below, I have concluded that a unit consisting only of service technicians is an appropriate unit in this case. Accordingly, I have directed an election in a unit that consists of approximately 10 employees.

To provide a context for my discussion of the issues, I will first provide an overview of the Employer's operations. Then, I will present in detail the facts and reasoning that supports each of my conclusions on the issues.

I. OVERVIEW OF OPERATIONS

The Employer operates an automobile dealership engaged in the sales and service of new and used automobiles. The overall operations of the Employer are the responsibility of its owner and general manager, John Morris. Reporting directly to Morris are: a body shop manager,³ new cars manager George Cabell, service manager Sharon Witherite, parts manager, Paul Kernan, and office manager, Shawnee Brown.⁴

³ The record does not reflect the name of the body shop manager. The body shop is located in a different building and the parties are in agreement that the body shop employees should be excluded from the unit found appropriate herein.

⁴ At the hearing, the parties stipulated, and I find, that the body shop manager, service manager Sharon Witherite, parts manager Paul Kernan, and office manager Shawnee Brown, are supervisors within the meaning of Section 2(11) of the Act, and based on the record herein I also find that owner and general manager John Morris, and new cars manager George Cabell, are supervisors within the meaning of Section 2(11) of the Act, inasmuch as they have the authority, inter alia, to responsibly direct the work of employees. Accordingly, I shall exclude these individuals from the unit herein.

All of the employees at issue in this matter work in or near the service department. To the left of the main entrance to the facility is the sales area. In front of the main entrance is a counter where the service cashiers work. Just behind the cashiers is the parts department. To the right of the cashiers is the service office, where the service manager has a desk and which has doors both to the public area and into the service area. To the right of this office is a counter where the service advisors meet and assist customers whose automobiles are in need of service. There is also a large glass wall behind the service advisors through which the service area is visible. A small room housing service files is next to this counter. There is also a separate outside entrance to the facility by the service advisors' counter.

Inside the service area, there are bays at which the service technicians perform their work. This area is basically a large open rectangle, with some small areas walled off on the sides. Thus, there is a rest room, a lunchroom, a room which houses service manuals, a special tool room and a counter for the parts department. One corner of the service area is divided by a low wall and clear curtains, and is where the utility employees wash cars. The tire mounting equipment is located behind the utility area. There are doors on the back end of the service area through which automobiles are moved in and out. Due to OSHA regulations, customers are not supposed to enter the service area.

II. JOB CLASSIFICATIONS AT ISSUE

A. SERVICE TECHNICIANS

There are ten service technicians who work under the supervision of service manager Sharon Witherite. Their work is done almost exclusively in the service area of the facility. The service technicians perform all of the skilled mechanical work on automobiles. When a vehicle is brought in for some kind of service or repair, the service technician sometimes is asked to

look at the vehicle, check on the parts needed, and to quote the prices for the parts. Other times, the technician does not look at the vehicle until after the repair is ordered. If the customer chooses to go forward with the repair, the service technician picks up the repair order from the service advisors' area and performs the work on the vehicle. The technician then parks the vehicle outside of the service area and returns the keys and the work order to the service advisor, who then contacts the customer. The service technicians rarely have any direct contact with the customers.

While no specific qualifications are required in order to be hired, John Morris, who makes all of the hiring decisions, chooses service technicians based on their experience and training. The only license that the technicians must have is the state inspection license, which requires, among other things, a knowledge of brakes. The service technicians are the only classification required to hold this license. Ford provides the opportunity for the technicians to become specialized in ten different areas of automobile repairs, such as electrical systems, engine performance, brakes, steering and suspension, air conditioning, transmissions, and so forth. If a technician completes the training program for one of these areas, they hold the title of "specialist" in that area. Five of the technicians are specialists in various areas. One of the service technicians has the title "master technician", which is given when a technician has completed the training in at least three of the ten areas. The highest level, "senior master certified technician", is the title given to technicians who have completed the training in all ten of the subject areas. None of the ten technicians currently qualify at that level. Two of the technicians, in addition to the Ford certifications, hold ASE certification.⁵ Also, two or three of the technicians are certified by the state to handle freon and air conditioning repairs.

⁵ ASE, or Automotive Service Excellence, is a national program which requires a knowledge of certain automotive repair skills in order to qualify to hold this certification.

In addition to holding the state inspection license, the technicians are required to purchase their own tools, which can cost as much as \$20,000.00.⁶ They are required to wear a uniform consisting of dark blue trousers and dark blue shirts with a red stripe on it. Their hours are from 8 a.m. until 5 p.m. If the mechanical work is completed prior to 5 p.m., the technicians often use the time left to take part in the Ford training courses.

The service technicians are paid what is called a “flat rate”. This is an hourly rate, but the amount earned on a particular job is determined by the amount of time allotted for that particular task rather than the number of hours actually worked per day. Thus, the amount the technician earns is determined from a book of standards which specifies the time allotted for each repair.⁷ The technician is paid that amount regardless of the actual amount of time it takes to perform the task. There is an incentive in the form of a bonus if the repair is finished in less time than is allotted in the standards book. The technicians punch in and out on the repair order for each vehicle on which they are working.

The service technicians never substitute for other job classifications in the facility. They have some limited contact with the other job classifications at issue herein. The service technicians may see or speak to the service advisors when they receive the repair orders and when they complete them. They also have some limited contact with the parts clerks when they pick up the parts needed for their repairs. The technicians obtain the state inspection stickers from the cashiers. The utility employees work near the service technicians and occasionally assist them in lifting engines or other heavy automobile parts. They use the same

⁶ The Employer provides some of the larger tools and equipment, such as cranes, jacks, brake lathe machines, battery testers, air conditioning rechargers, and various other diagnostic machinery. The tools generally owned by each individual technician include such items as sockets, wrenches, air guns, timing lights, pressure gauges, and the toolbox, which alone can cost \$2,500.00 to \$3,000.00.

⁷ The automotive industry uses certain well-accepted books of standards, such as Mitchell's or Chilton's, to determine the amount of time it should take to complete a repair or maintenance. In addition, Ford has its own book of standards, which is also utilized to compute the allotted time for a given repair or maintenance work.

restroom, park in the same parking lot and eat in the same lunchroom as employees in other classifications. The technicians attend meetings every few months called by the service manager. Only the service technicians attend these meetings.

B. SERVICE ADVISORS

There are two full-time service advisors, or service writers, employed at the Employer's facility. Additionally, there is another employee, Jody Guy, who does some work as a service advisor.⁸ One of the two advisors, Scott Monahan, previously worked for the Employer as a service technician. About five years ago, Monahan developed tendonitis from his job and was offered the opportunity to switch classifications since he could no longer work as a technician.⁹ The service advisors report to service manager Sharon Witherite.

The service advisors receive the information from the customer regarding what type of repair or maintenance work needs to be performed on the vehicle. Occasionally, the advisor will go for a test drive with the customer to understand the problem with the vehicle. After the advisor enters the repair order into the computer, the repair order is given to one of the technicians for pricing. If the customer agrees to have the work performed, the advisors arrange the repair orders for pick up by the technicians to complete the work. When the work is completed, the repair order is returned to the service advisor, who brings it up on the computer and enters any notes from the technician. The advisor then totals the bill and calls the customer. The repair order is then given to the cashier for pickup by the customer.

The service advisors do not need to have any particular training prior to being hired. Ford provides its own training and certification for service advisors. Both of the Employer's full-

⁸ Guy's position will be discussed in more detail later in this decision.

⁹ As a service advisor, Monahan no longer performs mechanical work on vehicles.

time service advisors are thus certified by Ford as master certified service advisors. The service advisors wear a uniform consisting of a white shirt and blue or khaki trousers. They are paid a salary rather than an hourly rate.¹⁰ They can also receive a bonus, which is calculated from the total amount of parts sold. Their hours are from 7:15 a.m. until 5:30 p.m.. On some occasions, the service advisors might install a wiper blade, change a light bulb, or perform other such minor repairs on a vehicle. However, they do this as a courtesy to the customer, who is not charged for the service. The technicians are generally not aware that such services are being performed. The service advisors do not attend any employee meetings on a regular basis.

C. SERVICE ADVISOR/QUALITY CONTROL/WARRANTY CLAIMS EMPLOYEE

Jody Guy holds the position of service advisor/quality control/warranty claims employee, working under the supervision of service manager Sharon Witherite. Guy spends approximately 25 percent of her time as a service advisor, performing the same duties as the service advisors described above. Guy wears the same uniform as the service advisors, i.e., white shirt and blue or khaki trousers. Unlike the service advisors, Guy is paid an hourly rate of \$8.00 per hour. Her hours vary from day to day. On some days Guy works from 8 a.m. to 4 p.m., and on other days, her hours are from 8 a.m. to 5 p.m..

Approximately 50 percent of Guy's working hours are spent doing quality checks. This aspect of her work involves doing test drives and other checks on the work performed by the service technicians. Guy's quality control work may be performed both before and/or after the technicians have made repairs to the vehicles. Guy may have reason to speak to the service

¹⁰ The record does not reflect the salary range of the service advisors.

advisors or, occasionally, to the service technicians about the repairs or maintenance when performing her quality control duties.

The other 25 percent of Guy's time is spent doing warranty claims work. In this regard, Guy receives the repair orders for work that was performed on vehicles under warranty. She contacts the customer by telephone to assure that the customer was satisfied with the repair. She then enters the information about the warranty repair into the computer for Ford's records. Guy is eligible to receive a bonus, which is based on a program called "fix it right". If the customer communicates to Guy that he or she is pleased with the repairs made, Guy keeps track of these numbers. Her bonus is based on the percentage of satisfied customers to whom she speaks.

D. PARTS CLERKS

There are three parts clerks employed at the Employer's facility. They work in the parts area behind the counter, and report to parts manager Paul Kernan. There are no specific qualifications needed to be hired as a parts clerk. The parts clerks are paid an hourly rate.¹¹ The parts clerks also have the opportunity to receive a bonus.¹² Unlike the other employees at issue herein, the parts clerks do not wear any particular uniform. Their hours are from 7:30 – 7:45 a.m. to 5:30 – 6:00 p.m.. The parts clerks do not attend any regularly scheduled employee meetings.

When a repair order is being prepared for maintenance or for a repair on an automobile, it is brought to the parts clerk, who stamps the order form so that the parts ordered can be noted on the form. The parts clerk also enters the parts into the computer for billing purposes.

¹¹ The record does not reflect the hourly rate of the parts clerks.

¹² The record does not reflect how the bonuses for the parts clerks are calculated.

Sometimes a customer may go directly to a parts clerk to obtain a part the customer wants to purchase. Occasionally, as a courtesy to the customer, a parts clerk may assist the customer by installing such small items as light bulbs, windshield wipers or hubcaps. However, this is not a part of the parts clerks' regular duties, and the customer is not billed for this assistance.

E. UTILITY EMPLOYEES

There are five utility employees employed at the Employer's facility. There are no qualifications required to become a utility employee. The utility employees wear a uniform consisting of either a blue shirt with a red stripe or a pinstripe shirt and blue trousers. They are paid an hourly rate and do not have a bonus program.¹³ They work under the supervision of new cars manager George Cabell. They mainly work day shift hours, although some of the utility employees have a second shift.¹⁴ The utility employees do not attend any regularly scheduled employee meetings.

The basic job duty of a utility employee is to wash vehicles. These are primarily new automobiles, but occasionally, as a courtesy to a customer, a service advisor will assign a utility employee the job of washing a vehicle that has been brought in for repairs or maintenance. The utility employees wash the automobiles inside the service area, in a corner. This washing area has a wall that is approximately two feet high surrounding it, to keep the water inside the area. There are also clear curtains above the wall.

The utility employees also perform some additional maintenance duties at the facility. One of the utility employees is responsible for snow removal, when needed. In addition, two of

¹³ The record does not reflect the hourly rate of the utility employees.

¹⁴ The record does not reflect the specific hours worked by utility employees.

the utility employees clean the entire service area on Thursday evenings, after the other employees have left for the day.

On occasion, utility employees have given physical assistance to the service technicians, by helping with tasks such as pushing a vehicle that will not start, lifting an engine out of a vehicle, or bleeding a brake system. This assistance is not part of their regularly scheduled job duties, but is offered in order to help the technicians who work beside them. The utility employees do not substitute for technicians. One service technician, Troy Miller, started his employment as a utility employee, but was able to receive enough training to be hired as a service technician.

F. SERVICE CASHIERS

There is one full-time and one part-time¹⁵ service cashier employed at the Employer's facility. They work from 8 a.m. to 5 or 6 p.m.. The cashiers are supervised by service manager Sharon Witherite. The cashiers receive an hourly rate of pay, and are not eligible for any bonus program.¹⁶ They are not required to wear any particular uniform. The cashiers do not attend any regularly scheduled employee meetings.

The service cashiers work behind a counter opposite the main entrance to the facility. They have the first contact with customers who telephone about bringing in a vehicle for maintenance or repairs. The cashier then forwards the call to a service advisor for scheduling. Once the repair and the repair order are completed, the service advisor gives the repair order form and the keys to the cashier. The cashier meets with the customer when he or she arrives to retrieve the vehicle. The cashier receives payment, gives the customer a copy of the repair

¹⁵ The part-time cashier works 20 hours per week.

¹⁶ The record does not reflect the hourly rate of the service cashiers.

order and the keys, and arranges for the customer's vehicle to be brought out, if necessary.

The cashier then files the other copies of the repair order in the proper files.

G. MAINTENANCE EMPLOYEE/ LOT ATTENDENT/ SHUTTLE DRIVER

There is one employee, Betty, who has multiple job duties at the Employers facility, herein referred to for convenience as the "service employee".¹⁷ The service employee works under the supervision of service manager Sharon Witherite. She is paid an hourly rate, and is not eligible for any bonus.¹⁸ Her hours are from 6:30 a.m. until 3:00 to 4:00 p.m.. There are no specific qualifications to be hired in the position of the service employee. The service employee does not attend any regularly scheduled employee meetings.

The service employee has several general duties at the facility. She is responsible for cleaning the restrooms. The service employee drives the customers to their destinations when the customers leave vehicles for service and then arranges to pick them up to return to the service department to retrieve the vehicle after the service is completed. The service employee is responsible for moving cars into and out of the service area, either for service or for washing. She also moves vehicles around on the Employer's lot.

III. ANALYSIS

As stated previously, the Employer contends that the unit sought by the Petitioner, limited to service technicians, is too narrow in terms of the unit composition, and that the smallest appropriate unit is one that, in addition to the service technicians, must also include

¹⁷ The record does not reflect Betty's last name.

¹⁸ The record does not reflect the hourly rate of the maintenance employee/ lot attendant/ shuttle driver.

service advisors, service advisor/quality control/warranty claims employee, service cashiers, utility employees, parts clerks and service employee. In support of this position, the Employer avers that all of these employees share a community of interest because their work is so functionally integrated that a separate unit of service technicians is inappropriate. The Employer also contends that the service technicians herein do not comprise a craft unit. For the reasons set forth below, I find the Employer's argument unpersuasive.

It is well established that in determining appropriate units for collective-bargaining purposes, the Act requires only that a unit be "appropriate" so as to ensure to employees in each case the fullest freedom in exercising the rights guaranteed by the Act. There is nothing in the statute which requires that the unit for bargaining be the *only* appropriate unit, or the *ultimate* unit, or the *most* appropriate unit. Morand Brothers Beverage Co., et al., 91 NLRB 409, 418 (1950), *enfd.* on other grounds, 109 F.2d 576 (7th Cir. 1951). See also, Omni International Hotel, 283 NLRB 475 (1987), Sears Roebuck and Co., 172 NLRB 1266 (1968), and Capital Bakers, Inc., 168 NLRB 904, 905 (1967). In addition, the unit sought by the Petitioner is always a relevant consideration, and the Board first considers the appropriateness of the unit sought by the Petitioner. Overnite Transportation Co., 322 NLRB 723 (1996).

The Board has emphasized on numerous occasions that the Act does not compel labor organizations to seek to represent the most comprehensive grouping of employees unless such grouping constitutes the only appropriate unit. Thus, the inquiry is whether the unit consisting of only service technicians, as opposed to that grouping plus the additional employees urged by the Employer, is appropriate in the circumstances of this case. Based on the record of this case, I conclude that the petitioned-for unit of service technicians constitutes an appropriate unit.

The Employer argues that there is such a strong community of interest between the employees it contends should be included and the service technicians as to require their inclusion in the unit. However, as discussed above, the inquiry in this matter is not whether

those employees could appropriately be included in the petitioned-for unit, but whether the petitioned-for unit would be inappropriate if they were not included. In Bartlett Collins Co., 334 NLRB 484 (2001), the Board explained that its procedure for determining an appropriate unit under Section 9(b) of the Act is to first examine the petitioned-for unit. If that unit is appropriate, then the inquiry ends. If the petitioned-for unit is not appropriate, the Board may examine the alternative units suggested by the parties but also has the discretion to select an appropriate unit that is different from the alternative proposals of the parties.

With respect to the appropriateness of the petitioned-for unit, the Board has repeatedly held that, when such a unit is requested by a union, automotive mechanics may be represented in a separate unit excluding other service department employees, if they possess skills and training unique among the employees in the department. Fletcher Jones Chevrolet, 300 NLRB 875, 876 (1990); Dodge City of Wauwatosa, 282 NLRB 459, 460 fn.6 (1986). Although the Employer, in its brief, attempts to distinguish these cases from the present one, I find them to be controlling herein. As in those cases, the service technicians herein constitute an appropriate craft unit, separate from the other employees in the service department.

In Fletcher Jones Chevrolet, supra, as in the present case, the technicians possessed skills not found among the other employees and performed duties distinct from those of the other service department employees. More than half of the technicians herein are certified as specialists in at least one area set forth by Ford, and all are engaged in mechanical work. They also must possess a state inspection license, and must purchase their own tools, which involves a sizable monetary investment. As in Fletcher Jones Chevrolet, the technicians receive their pay based on a flat rate system. Also, as in that case, the technicians have limited work-related contact with the other service department employees, and there are no temporary transfers between them and other classifications. Thus, I find the differences between the service technicians herein and those in Fletcher Jones Chevrolet to be minimal, and greatly outweighed by the similarities between them.

Likewise, the Employer attempts to distinguish the instant case from that in Dodge City of Wauwatosa, supra. Again, as in both Dodge City of Wauwatosa and Fletcher Jones Chevrolet, the technicians herein are more highly skilled and use specialized tools and equipment. In both of those cases, as in the instant one, the training, skills, different wage rate and lack of interchange all support a finding that the service technicians are appropriately a separate craft unit.¹⁹ Moreover, as in both Dodge City of Wauwatosa and Fletcher Jones Chevrolet, the Employer herein encourages and pays for advanced training that is not offered to any other employees.

Based on the above, the entire record, and having carefully considered the arguments of the parties at the hearing and in the briefs,²⁰ and particularly noting the lack of interchange between technicians and the other employees, the minimal contact between technicians and other employees during the workday, the different skills required, and the very different terms and conditions of their employment, I find that a separate craft unit of service technicians, as requested by the Petitioner, is appropriate.

¹⁹ In its brief, the Employer cites several cases, including Gregory Chevrolet, 258 NLRB 233 (1981) and Graneto-Datsun, 203 NLRB 550 (1973), decided before Dodge City of Wauwatosa, supra, and Fletcher Jones Chevrolet, supra, wherein the Board found a unit larger than only service technicians appropriate. However, in Dodge City of Wauwatosa, supra at 460 fn.6, the Board specifically stated that the overly broad language of such cases was not entirely accurate, and could not be considered as a policy that the only appropriate unit had to encompass all service department employees.

Further, the Employer cites R.H. Peters Chevrolet, 303 NLRB 791 (1991), in support of its position that the service advisors must be included with the service technicians. I find the Employer's reliance on this case to be misplaced. In R.H. Peters Chevrolet, the parties signed a Stipulated Election Agreement that the appropriate unit therein included mechanics, helpers, body-shop employees and parts department employees. The issue therein was the challenged ballots of the service advisors, who were neither included nor excluded in the stipulated agreement. Thus, the issue in that case was not, as in the present case, whether a unit consisting only of service technicians is appropriate. Thus, I find that case to be inapposite.

²⁰ Inasmuch as I find the petitioned-for unit to be appropriate, I find it is unnecessary to review in detail the specific differences between the service technicians and the other classifications at issue. The Employer has failed to establish that any of the other classifications are so similar or have such a strong community of interest with the service technicians that a unit consisting of only service technicians would not be appropriate in this case.

IV. FINDINGS AND CONCLUSIONS

Based upon the entire record in this matter and in accordance with the discussion above, I find and conclude as follows:

1. The hearing officer's rulings made at the hearing are free from prejudicial error and are affirmed.
2. The Employer is engaged in commerce within the meaning of the Act and it will effectuate the purposes of the Act to assert jurisdiction in this matter.
3. The Petitioner claims to represent certain employees of the Employer.
4. A question affecting commerce exists concerning the representation of certain employees of the Employer within the meaning of Section 9(c)(1) and Section 2(6) and (7) of the Act.
5. The following employees of the Employer constitute a unit appropriate for the purposes of collective bargaining within the meaning of Section 9(b) of the Act:

All full-time and regular part-time Service Technicians employed by the Employer at its State College, Pennsylvania, facility; excluding office clerical employees, managerial employees and guards, professional employees and supervisors as defined in the Act, and all other employees.

V. DIRECTION OF ELECTION

The National Labor Relations Board will conduct a secret ballot election among the employees in the unit found appropriate above. The employees will vote whether or not they wish to be represented for purposes of collective bargaining by District Lodge 98, International Association of Machinists and Aerospace Workers, AFL-CIO. The date, time and place of the election will be specified in the Notice of Election that the Board's Regional Office will issue subsequent to this Decision.

A. Voting Eligibility

Eligible to vote in the election are those in the unit who were employed during the payroll period ending immediately before the date of this Decision, including employees who did not work during that period because they were ill, on vacation, or temporarily laid off. Employees engaged in an economic strike, who have retained their status as strikers and who have not been permanently replaced are also eligible to vote. In addition, in an economic strike which commenced less than 12 months before the election date, employees engaged in such strike who have retained their status as strikers but who have been permanently replaced, as well as their replacements are eligible to vote. Unit employees in the military services of the United States may vote if they appear in person at the polls.

Ineligible to vote are (1) employees who have quit or been discharged for cause since the designated payroll period; (2) striking employees who have been discharged for cause since the strike began and who have not been rehired or reinstated before the election date; and (3) employees who are engaged in an economic strike that began more than 12 months before the election date and who have been permanently replaced.

B. Employer to Submit List of Eligible Voters

To ensure that all eligible voters may have the opportunity to be informed of the issues in the exercise of their statutory right to vote, all parties to the election should have access to a list of voters and their addresses, which may be used to communicate with them. Excelsior Underwear, Inc., 156 NLRB 1236 (1966); NLRB v. Wyman-Gordon Company, 394 U.S. 759 (1969).

Accordingly, it is hereby directed that within seven (7) days of the date of this Decision, the Employer must submit to the Regional Office an election eligibility list containing the full names and addresses of all the eligible voters. North Macon Health Care Facility, 315 NLRB 359, 361 (1994). This list must be of sufficiently large type to be clearly legible. To speed both preliminary checking and the voting process, the names on the list should be alphabetized

(overall or by department, etc.). Upon receipt of the list, I will make it available to all parties to the election.

To be timely filed, the list must be received in the Regional Office, Room 1501, 1000 Liberty Avenue, Pittsburgh, PA 15222, on or before **June 4, 2003**. No extension of time to file this list will be granted, except in extraordinary circumstances, nor will the filing of a request for review affect the requirement to file this list. Failure to comply with this requirement will be grounds for setting aside the election whenever proper objections are filed. The list may be submitted by facsimile transmission at 412/395-5986. Since the list will be made available to all parties to the election, please furnish a total of **two (2)** copies, unless the list is submitted by facsimile, in which case no copies need be submitted. If you have any questions, please contact the Regional Office.

C. Notice of Posting Obligations

According to Section 103.20 of the Board's Rules and Regulations, the Employer must post the Notices of Election provided by the Board in areas conspicuous to potential voters for a minimum of three (3) full working days prior to 12:01 a.m. of the day of the election. Failure to follow the posting requirement may result in additional litigation if proper objections to the election are filed. Section 103.20(c) requires an employer to notify the Board at least five (5) full working days prior to 12:01 a.m. of the day of the election if it has not received copies of the election notice. Club Demonstration Services, 317 NLRB 349 (1995). Failure to do so precludes employers from filing objections based on non-posting of the election notice.

VI. RIGHT TO REQUEST REVIEW

Under the provisions of Section 102.67 of the Board's Rules and Regulations, a request for review of this Decision may be filed with the National Labor Relations Board, addressed to the Executive Secretary, 1099 14th Street, N.W., Washington, D.C. 20570-0001. This request

must be received by the Board in Washington by 5 p.m., EST (EDT), on **June 11, 2003**. The request may **not** be filed by facsimile.

Dated: May 28, 2003

/s/ Gerald Kobell

Gerald Kobell, Regional Director

NATIONAL LABOR RELATIONS BOARD
Region Six
Room 1501, 1000 Liberty Avenue
Pittsburgh, PA 15222

Classification Index

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